

REMARKS

Consideration of the present application as amended is requested. Claims 73-79 were rejected as anticipated by a patent to Scribner. Applicants have canceled these claims without prejudice to consideration in a continuing application. Applicants have further amended claim 80 to remove the language "to replace removed nucleus pulposus" that had been added by a prior amendment. This language in the preamble is not required for any of the positively recited limitations in claim 80 or in any of its dependent claims.

The pending claims were rejected under obviousness-type double patenting. Concurrent with this amendment, Applicants have submitted an appropriate terminal disclaimer to overcome this rejection.

In view of the foregoing amendments and the submitted terminal disclaimer it is believed that this application, including claims 34-40, 42-47, 49, 51-65, 69-92, is in condition for allowance.

Respectfully submitted,

/Michael D. Beck/

Michael D. Beck
Reg. No. 32, 722
Maginot, Moore & Beck
111 Monument Circle, Suite 3000
Indianapolis, IN 46204
(317) 638-2922 (phone)
(317) 638-2139 (fax)
mdbbeck@maginot.com